

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GERALD BEELBY,

Petitioner,

Case No. 2:12-cv-13659
Hon. Denise Page Hood

v.

TOM BIRKETT,

Respondent.

_____/

ORDER DENYING MOTION FOR EQUITABLE TOLLING [DKT. 21]

Petitioner Gerald Beelby, filed a petition for writ of habeas corpus under 28 U.S.C. § 2254, raising twelve claims. On March 31, 2014, the Court denied the petition because his claims were without merit or barred from review by his procedural default. Petitioner subsequently filed a motion for new trial, which this Court denied on December 19, 2014. Petitioner filed a notice of appeal and the present motion for equitable tolling on January 16, 2015. Petitioner's motion seeks additional time to file an appeal from the denial of his motion for new trial. The motion was unnecessarily filed.

The United States Court of Appeals for the Sixth Circuit took jurisdiction of Petitioner's appeal, and it denied Petitioner relief on July 29, 2015. *Beelby v. Birkett*, No. 15-1063 (6th Cir. July 29, 2015). In its order, the Sixth Circuit found that this Court correctly denied the petition for writ of habeas corpus

and correctly denied Petitioner a certificate of appealability.

Because Petitioner did not require an order extending the time to appeal this Court's decision to have his appeal heard, Petitioner motion for equitable tolling is **DENIED**.

s/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: October 6, 2015

I hereby certify that a copy of the foregoing document was served upon counsel of record on October 6, 2015, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager